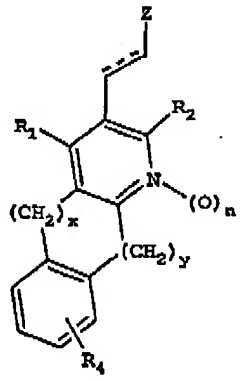
CASE HX0117A-CIP DIV 1

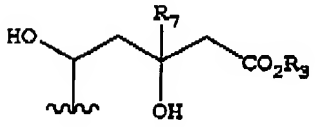
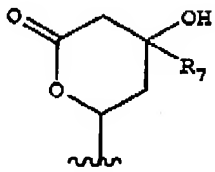
AMENDMENTS TO CLAIMS

Claims 1 to 16. (Cancelled).

Claim 17. (Currently Amended) A pharmaceutical combination comprising the HMG CoA reductase inhibitor compound having the structure



wherein

Z is  or  also referred to as the δ-lactone;

n is 0 or 1;

x is 0, 1, 2, 3 or 4;

y is 0, 1, 2, 3 or 4, provided that at least one of x and y is other than o; and optionally one or more carbons of $(CH_2)_x$ and/or one or more carbons of $(CH_2)_y$ together with additional carbons form a 3 to 7 membered spirocyclic ring;

R_1 and R_2 are the same or different and are independently selected from alkyl, arylalkyl, cycloalkyl, alkenyl, cycloalkenyl, aryl, heteroaryl or cycloheteroalkyl;

R_3 is H or lower alkyl;

R_4 is halogen, CF_3, hydroxy, alkyl, alkoxy, carboxyl, carboxyalkyl-, aminoalkyl, amino, alkanoylamino, aroylamino, cyano, alkoxyCON(R_{10})-, $R_{11}R_{12}NCO_2$-, $R_{11}R_{12}NCO$-, $R_{13}SO_2N(R_{10})$-, $R_{11}R_{12}NSO_2N(R_{10})$-, $R_{13}OCO_2$- or $R_{13}OCO$;

R_{11} and R_{12}, and R_{10} are the same or different and are independently selected from H, alkyl, arylalkyl, cycloalkyl, alkenyl, cycloalkenyl, aryl, heteroaryl or cycloheteroalkyl;

or R_{11} and R_{12} may be taken together with the nitrogen to which they are attached to form a stable 3 to 8 membered ring, which, where applicable, includes 1 to 3 heteroatoms in the ring;

R_7 is H or lower alkyl;

and ⎓ represents a single bond or a double bond (which may be cis or trans);

or a pharmaceutically acceptable salt thereof (when R_3 is H), or an ester thereof and or a stereoisomer thereof, and another therapeutic agent which is one or more hypolipidemic agents or lipid-lowering agents, or lipid agents, or lipid modulating agents, ~~and/or one or more other types of therapeutic agents including~~ antidiabetic agents, anti-obesity agents, antihypertensive agents, ~~platelet aggregation inhibitors,~~ anti-dementia agents, anti-Alzheimer's agents, anti-osteoporosis agents, ~~and/or hormone replacement therapeutic agents, and/or other cardiovascular agents (including~~ anti-anginal agents, anti-arrhythmic agents, anti-atherosclerosis agents, anti-inflammatory agents, anti-arthritis agents, anti-platelet agents, anti-heart failure agents[[)]], anti-cancer agents, anti-infective agents, hormone replacement agents, growth hormone secretagogues, selective androgen receptor modulators, and/or immunomodulatory agents.

Claim 18. (Currently Amended) The combination as defined in Claim 17 wherein the hypolipidemic agent or lipid-lowering agent or ~~other~~ lipid agent or lipid modulating agent or anti-atherosclerotic agent which is employed comprises 1,2,3 or more MTP inhibitors, HMG CoA reductase inhibitors, squalene synthetase inhibitors, fibric acid derivatives, PPAR α agonists, PPAR dual α/γ agonists, PPAR δ agonists, ACAT inhibitors, lipoxygenase inhibitors, cholesterol absorption inhibitors, ileal Na^+/bile acid cotransporter inhibitors, upregulators of LDL receptor activity, cholesteryl ester transfer protein inhibitors, bile acid sequestrants, or nicotinic acid and derivatives thereof, ATP citrate lyase inhibitors, phytoestrogen compounds, an HDL upregulators, LDL catabolism promoters, antioxidants, PLA-2 inhibitors, antihomocysteine agents, HMG-CoA synthase inhibitors, lanosterol demethylase inhibitors, or sterol regulating element binding protein-I agents.

Claim 19. (Original) The pharmaceutical combination as defined in Claim 17 comprising said HMG CoA reductase inhibiting compound and an antidiabetic agent.

Claim 20. (Original) The combination as defined in Claim 19 wherein the antidiabetic agent which may be optionally employed is 1,2,3 or more antidiabetic agents or antihyperglycemic agents

including insulin secretagogues or insulin sensitizers, which may include biguanides, sulfonyl ureas, PTP-1B inhibitors, aldose reductase inhibitors, glucosidase inhibitors, PPAR γ agonists, PPAR α agonists, PPAR δ antagonists or agonists, aP2 inhibitors, PPAR α/γ dual agonists, dipeptidyl peptidase IV (DP4) inhibitors, SGLT2 inhibitors, glycogen phosphorylase inhibitors, and/or meglitinides, insulin, and/or glucagon-like peptide-1 (GLP-1) or a mimetics thereof.

Claim 21. (Original) The combination as defined in Claim 20 wherein the antidiabetic agent is 1, 2, 3 or more of metformin, glyburide, glimepiride, glipyride, glipizide, chlorpropamide, gliclazide, acarbose, miglitol, pioglitazone, troglitazone, rosiglitazone, insulin, GI-262570, isaglitazone, JTT-501, NN-2344, L895645, YM-440, R-119702, AJ9677, repaglinide, nateglinide, KAD1129, AR-HO39242, GW-409544, KRP297, AC2993, LY315902, P32/98 and/or NVP-DPP-728A.

Claim 22. (Original) The combination as defined in Claim 17 wherein the HMG CoA reductase inhibiting compound is present in a weight ratio to the lipid-lowering agent or antidiabetic agent within the range from about 0.001:1 to about 100:1.

Claim 23. (Original) The combination as defined in Claim 17 wherein the other type of therapeutic agent which may be optionally employed is 1, 2, 3 or more of an anti-obesity agent which is a beta 3 adrenergic agonist, a lipase inhibitor, a serotonin (and dopamine) reuptake inhibitor, an aP2 inhibitor, a thyroid receptor beta drug, an anorectic agent, a PTP-1B inhibitor, a CCKA agonist, a neuropeptide Y antagonist, a melanocortin-4-receptor agonist, a PPAR modulator which is a PPAR γ antagonist, PPAR α agonist, and/or PPAR δ antagonist, a leptin inhibitor such as a leptin receptor activator, a fatty acid oxidation upregulator or inducer.

Claim 24. (Original) The combination as defined in Claim 23 wherein the anti-obesity agent is orlistat, ATL-962, AJ9677, L750355, CP331648, sibutramine, topiramate, axokine, dexamphetamine, phentermine, phenylpropanolamine, and/or mazindol, P57 or CP-644673 (Pfizer).

Claim 25. (Original) The combination as defined in Claim 17 wherein the lipid modulating agent is an MTP inhibitor, an HMG CoA reductase inhibitor, a squalene synthetase inhibitor, a fibric acid derivative, an upregulator of LDL receptor activity, a lipoxygenase inhibitor, or an ACAT inhibitor and the other lipid agent is a cholesteryl ester transfer protein inhibitor.

Claim 26. (Original) The combination as defined in Claim 25 wherein the lipid modulating agent is pravastatin, lovastatin, simvastatin, atorvastatin, cerivastatin, fluvastatin, pitavastatin, rosuvastatin, fenofibrate, gemfibrozil, clofibrate, avasimibe, TS-962, MD-700, cholestagel, niacin, and/or LY295427.

Claim 27. (Original) The combination as defined in Claim 17 wherein the antihypertensive agent employed is an ACE inhibitor, angiotensin II receptor antagonist, NEP inhibitor, a NEP/ACE inhibitor, a calcium channel blocker, a T-channel calcium antagonist, a β-adrenergic blocker, a diuretic, a α-adrenergic blocker, a dual action receptor antagonist (DARA), or a heart failure drug.

Claim 28. (Original) The combination as defined in Claim 27 wherein the antihypertensive agent is an ACE inhibitor which is captopril, fosinopril, enalapril, lisinopril, quinapril, benazepril, fentiapril, ramipril or moexipril;

an NEP/ACE inhibitor which is omapatrilat, gemopatrilat, or CGS 30440;

an angiotensin II receptor antagonist which is irbesartan, losartan or valsartan;

amlodipine besylate, prazosin HCl, verapamil, nifedipine, nadolol, propranolol, or clonidine HCl, carvediol, atenolol, hydrochlorothiazide, torasemide, furosemide, spironolactone or indapamide.

Claim 29. (Original) The combination as defined in Claim 17 wherein the HMG CoA reductase inhibitor is in combination with an ACE inhibitor or a NEP/ACE inhibitor.

Claim 30. (Original) The combination as defined in Claim 17 wherein the HMG CoA reductase inhibitor is in combination with an ACE inhibitor which is rampipril.

Claim 31. (Original) The combination as defined in Claim 17 wherein the HMG CoA reductase inhibitor is in combination with a NEP/ACE inhibitor which is omapatrilat or gemopatrilat.

Claim 32. (Currently Amended) The combination as defined in Claim 17 wherein the HMG CoA reductase inhibitor is in combination with [[a]] an anti-platelet ~~aggregation inhibitor~~ agent.

Claim 33. (Currently Amended) The combination as defined in Claim 32 wherein the anti-platelet ~~inhibitor~~ agent is clopidogrel.

Claim 34. (Currently Amended) The combination as defined in Claim 32 wherein the anti-platelet ~~inhibitor~~ agent is clopidogrel, aspirin or a combination of clopidogrel and aspirin.

Claim 35. (Currently Amended) The combination as defined in Claim 17 wherein the anti-platelet ~~aggregation inhibitor~~ agent is aspirin, clopidogrel, ticlopidine, dipyridamole, ifetroban, abciximab, tirofiban, eptifibatide, or anagrelide.

Claim 36. (Original) The combination as defined in Claim 17 wherein the other therapeutic agent is an anti-Alzheimer's agent or anti-dementia agent, which is tacrine HCl (Cognex®), donepezil (Aricept®), a Υ-secretase inhibtor, a β-secretase inhibitor and/or antihypertensive agent;

an antiosteoporosis agent, which is parathyroid hormone, a bisphosphonate, alendronate, a Ca receptor agonist or a progestin receptor agonist;

a hormone replacement therapeutic agent, which is a selective estrogen receptor modulator (SERM);

a tyrosine kinase inhibitor;

a selective androgen receptor modulator;

an antiarrhythmic agent, which is a β-blocker, or a calcium channel blocker, or an α-adrenergic blocker;

coenzyme Q sub. 10;

an agent that upregulates type III endothelial cell nitric acid syntase;

a chondroprotective compound which is polysulfated glycosaminoglycan (PSGAG), glucosamine, chondroitin sulfate (CS), hyaluronic acid (HA), pentosan polysulfate (PPS), doxycycline or minocycline;

a cyclooxygenase (COX)-2 inhibitor, which is Celebrex® (Searle) or Vioxx® (Merck) or a glycoprotein IIa/IIIb receptor antagonist;

a 5-HT reuptake inhibitor;

a growth hormone secretagogue;

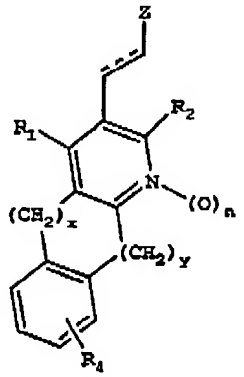
an anti-atherosclerosis agent;

an anti-infective agent, or an immunosuppressant for use in transplantation, or an antineoplastic agent.

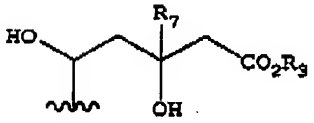
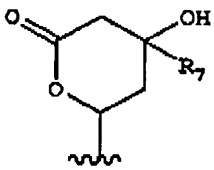
Claims 37 to 41. (Cancelled).

Claim 42. (Currently Amended) A method for treating cholesterol related diseases, diabetes ~~and related diseases,~~ cardiovascular diseases, or cerebrovascular diseases, which

comprises administering to a mammalian species in need of treatment a therapeutically effective amount of a combination of a compound having the structure



wherein

Z is  or  also referred to as the δ-lactone;

n is 0 or 1;

x is 0, 1, 2, 3 or 4;

y is 0, 1, 2, 3 or 4, provided that at least one of x and y is other than o; and optionally one or more carbons of $(CH_2)_x$ and/or one or more carbons of $(CH_2)_y$ together with additional carbons form a 3 to 7 membered spirocyclic ring;

R_1 and R_2 are the same or different and are independently selected from alkyl, arylalkyl, cycloalkyl, alkenyl, cycloalkenyl, aryl, heteroaryl or cycloheteroalkyl;

R_3 is H or lower alkyl;

R_4 is halogen, CF_3, hydroxy, alkyl, alkoxy, carboxyl, carboxyalkyl-, aminoalkyl, amino, alkanoylamino, aroylamino, cyano, alkoxyCON(R_{10})-, $R_{11}R_{12}NCO_2$-, $R_{11}R_{12}NCO$-, $R_{13}SO_2N(R_{10})$-, $R_{11}R_{12}NSO_2N(R_{10})$-, $R_{13}OCO_2$- or $R_{13}OCO$;

R_{13} is alkyl, arylalkyl, cycloalkyl, alkenyl, cycloalkenyl, aryl, heteroaryl or cycloheteroalkyl;

R_{11} and R_{12}, and R_{10} are the same or different and are independently selected from H, alkyl, arylalkyl, cycloalkyl, alkenyl, cycloalkenyl, aryl, heteroaryl or cycloheteroalkyl;

R_7 is H or lower alkyl;

and ⎓ represents a single bond or a double bond (which may be cis or trans);

or a pharmaceutically acceptable salt thereof (when R_3 is H), or an ester thereof, and or a stereoisomer thereof, and another therapeutic agent which is a hypolipidemic agent, and/or lipid modulating agent and/or antidiabetic agent and/or cardiovascular agent, cerebrovascular agent, ~~and/or other type of therapeutic agent,~~ which comprises administering to a mammalian species in need of treatment a therapeutically effective amount of such combinations.

Claims 43 and 44. (Cancelled).